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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,998	06/06/2001	Laurence Bellagamba	35-0016	8117

23446 7590 10/14/2004

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,998

Applicant(s)

BELLAGAMBA, LAURENCE

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the request for reconsideration for new claims 22-26.
2. As per applicant's request claims 1-21 have been canceled.
3. As per applicant's request canceled claims 1-21 has been considered but they are persuasive therefore, claims 1-21 stand rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by *Fromme* USPN 5,075,847.

Regarding claim 22

Fromme teaches,

- receiving from a customer a set of requirements for a software tool (column 1, lines 39-52, "CASE system... operating system");
- developing a customized software tool based on the received set of requirements, wherein the software tool is customized to be specific to the customer's particular industry and needs, and wherein the developing step also comprises selecting from among a set of

- available system engineering software modules (column 3, lines 23-33, “in requesting...remote host computer”);
- storing the developed customized software tool on a remote server (column 5, lines 33-50, CASE system... purpose computer”); and
 - providing one or more user database modules on the remote server, for use by one or more user associated with the customer, wherein each user utilizes the stored customized software tool for a particular project or activity, and utilizes a user database module for the storage of project elements generated by the customized software tool (column 5, lines 50-61, “CASE system supports... fig 2.”);
 - wherein the method provide for the customization of a software tool for a particular customer and for storage of the customized software tool in a manner that facilitates access and use by multiple users associated with the customer (column 5, lines 21-31, “a work area... task oriented”).

Regarding claim 23

Fromme teaches,

Rejection of claim 22 is incorporated and further claim recites limitations as in claim 22 therefore, claim 23 is rejected under same rational as claim 22.

Regarding claim 24

Fromme teaches,

- providing and assigning additional database modules to each user, for use in storing project elements awaiting customer approval and for storing completed and approved project elements (column 6, lines 45-51, “ when any tool in the CASE modifies... out of date”).

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Regarding claim 25

Fromme teaches,

- the customer and associate user are physically located at a customer site (column 5, lines 33-39, “CASE system is that... transparent to user”);
- the steps of receiving the customer requirements and developing the customized software tool are performed by a tool provider at a tool provider site (column 2, lines 55-67, “software development system... requesting action by the application..”, column 4, lines 52-57, “the tool integration... custom application tool”); and
- the server is located at a server provider site (column 5, lines 33-39, “CASE system is that... transparent to user”);
- wherein the customer site, tool provider site and server provider site are interconnected through a communication network (column 5, lines 52-61, “workstation 22, 24... in fig 2”).

Regarding claim 26

Fromme teaches,

- wherein the communication network is the internet (column 3, lines 24-33, “permits communications with... host computer”).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANIL KHATRI
PRIMARY EXAMINER